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C O N F I D E N T I A L SECTION 01 OF 02 KIRKUK 000120

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BAGHDAD FOR POL, ECON, IRMO/CRRPD, (WARNER), NCT, L

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SUBJECT: DISPLACED ARAB FARMERS IN KIRKUK UNHAPPY OVER DISPLACEMENT

CLASSIFIED BY: Jim Bigus, PRT Team Leader, Kirkuk, DOS.

REASON: 1.4 (d)

11. (SBU) SUMMARY. A farmers' union in Kirkuk province - claiming to represent 5,000 displaced families - said that one of the United States' key mistakes in Iraq was not taking more initiative to help solve the internally displaced persons (IDP) problem. The farmers claimed that following Operation Iraqi Freedom Kurds from As Sulaymaniyah confiscated land Saddam had given them, displacing them and their families. They argued that the Kurds controlled the Commission for the Resolution of Real Property Disputes in Kirkuk. END SUMMARY.

12. (SBU) IPAO on April 18 met with four representatives from the Arab Displaced Farmers' Union to discuss land disputes and IDP issues in Kirkuk province. The reps said the union represents around 5,000 families in Kirkuk villages, spanning from Altun Kupri to Daquk, Dibs, and Lelan. Union members defend the traditional farming system in Iraq and the rights of displaced farmers. Our contacts claimed that one of the United States' key mistakes in Iraq was not taking more initiative to help solve the IDP problem.

Saddam Gave Them the Land, Kurds Took It

13. (SBU) The farmers claimed that following Operation Iraqi Freedom, Kurds from As Sulaymaniyah confiscated their land, displacing them and their families. The farmers said they now were jobless and homeless and were seeking their rights. They requested either the return of their land or new land. Our contacts stressed that they wanted to solve the issue peacefully.

14. (SBU) The Arab farmers were given the land in 1968 by a government contract. The union members said the Ba'athist regime at that time took from large Turcoman land-owners plots of rural, uncultivated land in Kirkuk province and dispersed it among several Arab farmers. Our contacts said that since 1968 those Arab farmers had invested millions of dinars into their farms: cultivating land, building homes, and digging artesian wells. The farmers lost farming equipment, generators, pumps, tractors and other vehicles. Our contacts estimated that each farmer on average lost around 75 million dinars.

Charges over Real Property Commission

15. (SBU) The union members argued that the Kurds controlled the Kirkuk office of the Commission and said the Commission had not replied to their claims. They said they believed the Kurds closed the Commission office in Dibs to prevent Arabs in that region from submitting claims. Our contacts contended that the Commission's former chairman in Kirkuk could not act without the KRG's authorization, and since he resisted that policy, the

Kurds replaced him. The farmers claimed Kurds from As Sulaymaniyah ordered an entire Arab village to evacuate their homes. When the Arabs resisted, Kurdish authorities showed them a memorandum of authorization from the Kurdistan Regional Government (KRG). Our contacts alleged that Baghdad is unaware of these actions.

Exhausting All Options, Receiving No Assistance

¶6. (SBU) The union members lamented that after three years of trying to regain their homes, equipment, and land, they had achieved nothing. They said they had met with Iraq's two previous Prime Ministers and Presidents, as well as the U.S. and other embassies in Baghdad, but received no response. The farmers claimed that Iraqi Ministry of Displacement and Migration officials told them that only the United States could make decisions on such inquiries. Our contacts complained that this counsel undermined Iraqi and U.S. officials' claims that Iraq now was a sovereign nation and that Iraqis made the decisions.

¶7. (SBU) The union representatives said they most recently had met with the Arab bloc of the Kirkuk provincial council, who recommended they meet with the United States Regional Embassy Office. The Arab council members told them that the Arab council members were in a weak position because they were unable to override the Kurdish-dominated provincial council.

Displaced Farmers Request Humanitarian Assistance

¶8. (SBU) When asked where the 5,000 displaced families were living, the union members said that some were living with relatives in or around Kirkuk city, while others were living in

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tents. Our contacts said that most were just trying to earn a living, seeking to find city jobs and receiving no government assistance.

Comment

¶9. (SBU) The Commission does not have jurisdiction over cases that arise after April 9, 2003, and therefore is not authorized to hear complaints that farmland was taken from the Arabs subsequent to the fall of the former regime. Indeed, the parties most likely to have a sustainable claim before the Commission would be the Turkomans whose land was taken in 1968 and given to Arab farmers.

¶10. (C) Insofar as Arab farmers have a sustainable claim for unlawful eviction or loss of equipment, they would need to seek a remedy in the Iraqi civil court system. That said, the Ba'athist regime gave the farmers a present of Turcoman land, which the Arab farmers then got to farm rent-free for over three decades. A court might be disinclined to provide a remedy, given these circumstances.

¶10. (C) In direct contrast to the farmers' complaints, the previous head of the Commission's Kirkuk office (and Kurds generally) charge the Commission's sympathies in Baghdad have been with Ba'athists and not with the Kurds. The Kurdish complaint could have some truth to it, given the glacial pace of the Commission's efforts in the north. For its part, the Commission has consistently stated that it is the Kurds themselves who are not cooperating with the work of the Commission; the unauthorized closure of the Dibs office by local Kurdish authorities shows the depth of the bad blood between Kurdish authorities and the Commission.

¶11. (C) At the same time, we would not put it past the Kurdistan Regional Government or Kirkuk Kurdish provincial officials to overstep legal bounds to evict Arabs. The conflicting countercharges show that further neglect of the IDP

issue in northern Iraq will fuel ethnic disparity and exacerbate tensions. Whether deserving or not, Arab farmers, who overnight lost farms worth millions of dinars and now are living in tents, will remain pacified only for so long. Complaints such as these underline the importance of supporting adequate means of redress and support for displaced persons.

BIGUS